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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,794	02/01/2002	Melanie K. Anderson	11610.02	1888

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EXAMINER

CHRISTMAN, KATHLEEN M

ART UNIT	PAPER NUMBER
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3713

DATE MAILED: 10/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/061,794

Applicant(s)

ANDERSON ET AL.

Examiner

Kathleen M Christman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

In response to the preliminary amendment filed 04/26/2002, claims 1-20 are pending.

#### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: All reference numbers 502-722, which appear in Figures 2A-R. It appears that the vast majority of these numerals do not appear in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Priority***

2. Applicant has not complied with one or more conditions for receiving the benefit of an earlier filing date under 35 U.S.C. 119(e) as follows: The later-filed application must be an application for a patent for an invention which is also disclosed in the prior application (the parent or original nonprovisional application or provisional application); the disclosure of the invention in the parent application and in the later-filed application must be sufficient to comply with the requirements of the first paragraph of 35 U.S.C. 112. See *Transco Products, Inc. v. Performance Contracting, Inc.*, 38 F.3d 551, 32 USPQ2d 1077 (Fed. Cir. 1994).

#### ***Information Disclosure Statement***

3. The references identified as Exhibits 1-6 in the Information Disclosure Statement filed 04/26/2002 have been considered. However, these references have been deemed to not be prior art as they were confidential in-house documents and therefor were not part of the public domain.

***Specification***

4. Applicant is requested to update the status of all related applications.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Pellegrino et al (US 6149441). Pellegrino et al teaches a method for providing an electronic editor tool for an on-line system including: providing on-line content concerning educational materials for a particular educational course (the lesson database, col. 2: 49-50); providing on-line an electronic syllabus for the educational course, the syllabus identifying units, assignments, and educational materials for the educational course (referred to as a "lesson plan" by Pellegrino and described in Table II); selectively permitting users on-line to edit the content (col. 10: 50-65); and automatically implementing the on-line editing to the content for subsequent display (the "done" and "publish" options shown in Table III), as in claim 1 and similar system claim 11. Receiving on-line a request from a user to edit the content; verifying the user; and permitting the user to edit the content based upon the verifying (claims 2 and 12), is taught at least at col. 24: 51-64. Receiving a request to edit a particular feature in the content; and retrieving and displaying the particular feature for editing (claims 3 and 13) is taught in at least col. 13: 32-45. Retrieving and displaying a default template for editing based upon the content (claims 4 and 14) is taught in Figure 29 and its

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supporting description. Retrieving default content for use in on-line editing of the content (claims 5 and 15) is akin to the search functions described in association with the media catalog, see col. 11: 23-52. Automatically rendering the default content for a particular portion of the content (claims 6 and 16) is taught in col. 11: 66-66. Retrieving default styles for use in on-line editing of the content (claims 7 and 17) is akin to the use of default templates, see Figure 29. Displaying tabs identifying portions of the content; selectively permitting users on-line to edit the content via selection of the tabs; and automatically implementing the on-line editing to the content for subsequent display (claims 8 and 18) is shown in Figures 33 and 34 and Table III. Retrieving an identification of default content based upon the selected tab (claims 9 and 19) is taught in col. 23: 61 – col. 24: 12. Retrieving and displaying an identification of a default style based upon the selected tab (claim 20) is shown in col. 24: 9-12.

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  - a. Casey-Cholakis et al (US 6438353 B1) teaches a method for creating, editing, and displaying educational courses on-line
  - b. Mortimer et al (US 6091930) teaches a system and method in which a professor may edit default content to create a customized textbook
  - c. Bardwell (US 2002/0087560 A1) teaches a system and method for creating on-line syllabi
  - d. Bergan et al (US 2003/0044762 A1) teaches a system and method which includes the editing and creation of on-line courses.
  - e. Helmick et al (US 6470171 B1) patent to assignee

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kathleen M Christman whose telephone number is (703) 308-6374. The examiner can normally be reached on M-F 7:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg can be reached on (703) 308-1327. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

  
Kathleen M. Christman

  
Teresa Walberg  
Supervisory Patent Examiner  
Group 3700